IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4180 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DHANLAXMIBEN CHHOTALAL PATEL

Versus

STATE OF GUJARAT

Appearance:

MR RA PATEL for Petitioners

MS. HANSA PUNANI, GOVERNMENT PLEADER for Respondent No. 1

MR KV SHELAT for Respondent No. 2

CORAM : MR.JUSTICE A.L.DAVE

Date of decision: 17/04/2001

ORAL JUDGEMENT

Rule.

1. Ms. Hansa Punani, waives service of rule on

behalf of respondent no. 1 and Mr. Shelat waives service of rule for respondent nos. 2 to 2.6.

2. Heard learned Advocates Mr. R.A. Patel, Mr. Shelat and Ms. Hansa Punani. In light of the circular issued by the State Government dated November 20, 2000 the petitioner is required to withdraw this petition and then apply to the Mamlatdar for dropping the proceedings under Section 84 (c) of the Tenancy Act. In this view of the matter Mr. Patel, learned Advocate for the petitioner seeks permission to withdraw this petition with a view to approach the Mamlatdar. Permission to withdraw is granted. It is clarified that, if and when application for dropping the procedure under Section 84 (c) is made, it will be decided by the Mamlatdar considering the contentions that may be raised before him by the parties, after affording opportunity to the petitioner as well as respondents nos. 2 to 2.6 herein. Rule accordingly. Matter stands disposed of. No costs.

(A.L. DAVE,J.)

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